

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 29-5.2 as follows:

6 (105 ILCS 5/29-5.2) (from Ch. 122, par. 29-5.2)
7 Sec. 29-5.2. Reimbursement of transportation.

8 (a) Reimbursement. A custodian of a qualifying pupil shall
9 be entitled to reimbursement in accordance with procedures
10 established by the State Board of Education for qualified
11 transportation expenses paid by such custodian during the
12 school year.

13 (b) Definitions. As used in this Section:

14 (1) "Qualifying pupil" means an individual referred to in
15 subsection (c), as well as an individual who:

16 (A) is a resident of the State of Illinois; and

17 (B) is under the age of 21 at the close of the school year
18 for which reimbursement is sought; and

19 (C) during the school year for which reimbursement is
20 sought was a full-time pupil enrolled in a kindergarten through
21 12th grade educational program at a school which was a distance
22 of 1 1/2 miles or more from the residence of such pupil; and

23 (D) did not live within 1 1/2 miles from the school in

1 which the pupil was enrolled or have access to transportation
2 provided entirely at public expense to and from that school and
3 a point within 1 1/2 miles of the pupil's residence, measured
4 in a manner consistent with Section 29-3.

5 (2) "Qualified transportation expenses" means costs
6 reasonably incurred by the custodian to transport, for the
7 purposes of attending regularly scheduled day-time classes, a
8 qualifying pupil between such qualifying pupil's residence and
9 the school at which such qualifying pupil is enrolled, as
10 limited in subsection (e) of this Section, and shall include
11 automobile expenses at the standard mileage rate allowed by the
12 United States Internal Revenue Service as reimbursement for
13 business transportation expense, as well as payments to mass
14 transit carriers, private carriers, and contractual fees for
15 transportation.

16 (3) "School" means a public or nonpublic elementary or
17 secondary school in Illinois, attendance at which satisfies the
18 requirements of Section 26-1.

19 (4) One and one-half miles distance. For the purposes of
20 this Section, 1 1/2 miles distance shall be measured in a
21 manner consistent with Section 29-3.

22 (5) Custodian. The term "custodian" shall mean, with
23 respect to a qualifying pupil, an Illinois resident who is the
24 parent, or parents, or legal guardian of such qualifying pupil.

25 (c) An individual, resident of the State of Illinois, who
26 is under the age of 21 at the close of the school year for which

1 reimbursement is sought and who, during that school year, was a
2 full time pupil enrolled in a kindergarten through 12th grade
3 educational program at a school which was within 1 1/2 miles of
4 the pupil's residence, measured in a manner consistent with
5 Section 29-3, is a "qualifying pupil" within the meaning of
6 this Section if (i) such pupil attends public school in a
7 school district organized under Article 34 of this Code and
8 must walk or otherwise travel along a safe passage route, as
9 designated by the school board, to reach school or return home
10 or (ii) ~~(i)~~ such pupil did not have access to transportation
11 provided entirely at public expense to and from that school and
12 the pupil's residence, and ~~(ii)~~ conditions were such that
13 walking would have constituted a serious hazard to the safety
14 of the pupil due to vehicular traffic. The determination of
15 what constitutes a serious safety hazard within the meaning of
16 this subsection shall in each case be made by the Department of
17 Transportation in accordance with guidelines which the
18 Department, in consultation with the State Superintendent of
19 Education, shall promulgate. Each custodian intending to file
20 an application for reimbursement under subsection (d) for
21 expenditures incurred or to be incurred with respect to a pupil
22 asserted to be a qualified pupil as an individual referred to
23 in this subsection shall first file with the appropriate
24 regional superintendent, on forms provided by the State Board
25 of Education, a request for a determination that a serious
26 safety hazard within the meaning of this subsection (c) exists

1 with respect to such pupil. Custodians shall file such forms
2 with the appropriate regional superintendents not later than
3 February 1 of the school year for which reimbursement will be
4 sought for transmittal by the regional superintendents to the
5 Department of Transportation not later than February 15; except
6 that any custodian who previously received a determination that
7 a serious safety hazard exists need not resubmit such a request
8 for 4 years but instead may certify on their application for
9 reimbursement to the State Board of Education referred to in
10 subsection (d), that the conditions found to be hazardous, as
11 previously determined by the Department, remain unchanged. The
12 Department shall make its determination on all requests so
13 transmitted to it within 30 days, and shall thereupon forward
14 notice of each determination which it has made to the
15 appropriate regional superintendent for immediate transmittal
16 to the custodian affected thereby. The determination of the
17 Department relative to what constitutes a serious safety hazard
18 within the meaning of subsection (c) with respect to any pupil
19 shall be deemed an "administrative decision" as defined in
20 Section 3-101 of the Administrative Review Law; and the
21 Administrative Review Law and all amendments and modifications
22 thereof and rules adopted pursuant thereto shall apply to and
23 govern all proceedings instituted for the judicial review of
24 final administrative decisions of the Department of
25 Transportation under this subsection.

26 (d) Request for reimbursement. A custodian, including a

1 custodian for a pupil asserted to be a qualified pupil as an
2 individual referred to in subsection (c), who applies in
3 accordance with procedures established by the State Board of
4 Education shall be reimbursed in accordance with the dollar
5 limits set out in this Section. Such procedures shall require
6 application no later than June 30 of each year, documentation
7 as to eligibility, and adequate evidence of expenditures;
8 except that for reimbursement sought pursuant to subsection (c)
9 for the 1985-1986 school year, such procedures shall require
10 application within 21 days after the determination of the
11 Department of Transportation with respect to that school year
12 is transmitted by the regional superintendent to the affected
13 custodian. In the absence of contemporaneous records, an
14 affidavit by the custodian may be accepted as evidence of an
15 expenditure. If the amount appropriated for such reimbursement
16 for any year is less than the amount due each custodian, it
17 shall be apportioned on the basis of the requests approved.
18 Regional Superintendents shall be reimbursed for such costs of
19 administering the program, including costs incurred in
20 administering the provisions of subsection (c), as the State
21 Board of Education determines are reasonable and necessary.

22 (e) Dollar limit on amount of reimbursement. Reimbursement
23 to custodians for transportation expenses incurred during the
24 1985-1986 school year, payable in fiscal year 1987, shall be
25 equal to the lesser of (1) the actual qualified transportation
26 expenses, or (2) \$50 per pupil. Reimbursement to custodians for

1 transportation expenses incurred during the 1986-1987 school
2 year, payable in fiscal year 1988, shall be equal to the lesser
3 of (1) the actual qualified transportation expenses, or (2)
4 \$100 per pupil. For reimbursements of qualified transportation
5 expenses incurred in 1987-1988 and thereafter, the amount of
6 reimbursement shall not exceed the prior year's State
7 reimbursement per pupil for transporting pupils as required by
8 Section 29-3 and other provisions of this Article.

9 (f) Rules and regulations. The State Board of Education
10 shall adopt rules to implement this Section.

11 (g) The provisions of this amendatory Act of 1986 shall
12 apply according to their terms to the entire 1985-1986 school
13 year, including any portion of that school year which elapses
14 prior to the effective date of this amendatory Act, and to each
15 subsequent school year.

16 (h) The chief administrative officer of each school shall
17 notify custodians of qualifying pupils that reimbursements are
18 available. Notification shall occur by the first Monday in
19 November of the school year for which reimbursement is
20 available.

21 (Source: P.A. 91-357, eff. 7-29-99.)